

MUST IMPROVE WATERWAYS

SECRETARY ROOT SAYS THE RAILWAYS ARE INADEQUATE

And Utterly Unable to Carry the Products of the Country—He Also Favored the Passage of a Measure to Encourage the Upbuilding of the Merchant Marine.

WASHINGTON, Dec. 4.—Elliott Root, Secretary of State, pledged the support of the national administration to the movement having for its purpose the adoption of a definite legislative policy looking to the improvement of the waterways of the United States, and again emphasized the necessity for the passage of a measure to encourage the upbuilding of the American merchant marine at the opening session of the National Rivers and Harbors Congress to-day. Mr. Root was warmly welcomed as he entered the convention hall, and his address strongly favored to liberal river and harbor appropriations, wisely made and economically expended, was enthusiastically applauded.

The congress convened to-day with more than four hundred delegates in attendance. Thirty-three States and probably fifty municipalities were represented. Governors of States, Senators and Representatives in Congress, officials of boards of trade and chambers of commerce and prominent business men from every section of the United States were present.

Secretary Root delivered the first formal address. He was followed by M. J. Jusserand, the French Ambassador; Senator Francis G. Newlands, Martin A. Knapp, chairman of the Interstate Commerce Commission; Gustav Schwab, John New York, John Barrett, director of the Bureau of American Republics; former Governor George C. Pardee of California, Cyrus P. Walbridge of Missouri and others. A letter of regret was read from Andrew Carnegie, who wrote that "instead of spending the money on warships to fight imaginary foes we should spend it on waterways."

Secretary Root declared that the people were willing and ready to spend money for the improvement of waterways. He had instanced their approval of the Panama Canal project and of the ship canal in the State of New York. The National Rivers and Harbors Congress, he said, was working in the right way by bringing together a great body of men from all over the country who had laid aside individual interests to consider the people's principles of a great policy.

"Some reference was made in your last meeting," said Secretary Root, "to not crossing the bridge until you get to it. Gentlemen, we have reached the bridge. The question is no longer whether our freight is carried by rail or by water, but the question is whether you will have the products of the United States carried at all. There is no increase of wealth of mankind so great as that which comes from transporting the human product of agriculture, of the mine and of the factory from the place where it is worthless to the place where it is valuable. We have come to the point where the railroads of the country are unable to perform that function, and there is no human possibility that the railroads can keep pace with the necessities of our production. The only avenue open to us to keep up our progress is the avenue of water transportation."

In conclusion Secretary Root said: "Let us have created by the common action of the people of the United States the best opportunity to get our products to the markets of shipment, and after they get them to the ocean let us have an American merchant marine that will take our products and extend our commerce all over the world." (Great applause.)

Ambassador Jusserand in a witty speech congratulated the delegates on the laudable object for which they had gathered and pointed out the importance of having a definite plan for improving water transportation. He said that the United States had inaugurated such a policy with the result that now all her great rivers were connected by canals.

Chairman Knapp said he believed that the traffic of the country would be doubled in seven years. The railroads, he said, were unequal to the task now of carrying the commerce of the United States, and he declared that if prosperity was to continue the avenues of transportation would have to be enlarged by the improvement of the waterways.

The congress will continue in session until Friday. Speakers of national prominence will discuss the waterways movement in various sections of the country and resolutions will again be passed demanding not less than \$50,000,000 annually from Congress for rivers and harbors.

HOTEL FIRM GOES BANKRUPT

Union Square Hotel, Hungary and Nagel's in Hoboken Involved.

Neumuller & Schaefer (Clara Neumuller and Andreas F. Schaefer), proprietors of the Union Square Hotel, the Hotel Hungary and the Nagel's Hotel, the latter in Hoboken, have filed a petition in bankruptcy with liabilities \$86,000 and assets unknown, consisting of the furniture and furnishings of the three hotels, wine, liquor and supplies, \$7,500, cash, \$175, and accounts, \$128. The furniture and furnishings are insured for \$53,500. The German Exchange Bank is a creditor for \$15,000, secured by stock in the Excelsior Brewing Company, fifty shares; United Wine and Catering Company, twenty shares; Keck Baking Company, fifty shares, and two bonds of the Excelsior Brewing Company. There are 177 creditors, among whom are: The German Exchange Bank, \$5,700; Park & Tilford, \$5,557; Reinecke & Co., \$4,800; Snedeker & Sons, \$2,500; W. W. Water, \$2,418; Second Street Hotel, \$2,000; Bachman Brewing Company, \$2,000; Paula Schaefer, \$1,258; Clara Neumuller, \$1,257.

The partners began business May 1, 1888, at the Hotel Hungary, which they bought for \$21,000. On January 1, 1895, they bought the Union Square Hotel for \$35,000 and in 1894 they bought Nagel's Hotel in Hoboken for \$20,000. They sold Nagel's Hotel in April, 1906, but took it back in January, 1907.

Dispossession proceedings have been begun against them in the Union Square Hotel.

The petition in bankruptcy filed on Tuesday against the Patterson Hotel Company of 58 West Forty-seventh and 59 West Forty-sixth street and the appointment of Morris J. Hirsch by Judge J. C. Hoag of the United States District Court have revived the question among lawyers whether a hotel corporation can be adjudicated bankrupt. Judge Hoag of the United States District Court has repeatedly decided that it cannot. Mr. Lesser of Lesser Bros., whose petition against the Iroquois Hotel and Apartment Company was dismissed, said yesterday that he had appealed from Judge Hoag's decision to the United States Circuit Court of Appeals.

T. W. McCauley Out on Bail.

LOS ANGELES, Cal., Dec. 4.—T. W. McCauley, former president of the International Mercantile Agency of New York, was released to-day under \$15,000 bail. He was arrested here as a fugitive from justice from New York.

McCauley was arrested in New York in 1904 for embezzling \$50,000, and jumped his bail.

LIMBURG RECEIVERS' COUNSEL?

Jackson Says He Is, but Receiver Dougherty Says He Isn't.

J. Hampden Dougherty, one of the receivers named by Justice Samuel Seabury last Friday for the properties of the New York City Railway Company and the Metropolitan Street Railroad, wrote to THE SUN yesterday to the effect that THE SUN's statement that Mr. Dougherty and his fellow receivers, Paul Fuller and Melvin G. Palliser, had selected Herbert R. Limburg as their counsel was incorrect and that the receivers had not yet determined on their counsel. Mr. Dougherty also objects in his letter to THE SUN's statement that the receivers had named their counsel before they themselves had qualified as receivers.

THE SUN is able to inform the receivers that almost immediately after the filing of Justice Seabury's decision in the Supreme Court a typewritten statement announcing the decision was given out by Mr. Ford, secretary of Attorney-General Jackson, at the Grand Hotel. That statement announced also the names of the receivers and went on to state that Herbert R. Limburg of Hirsch, Schouerman & Limburg had been selected by the receivers as their counsel "after an informal conference."

Mr. Limburg was present at a conference of the receivers with Mr. Jackson last Saturday where they qualified and handed out to the reporters a statement concerning the conference.

Mr. Dougherty also refers disapprovingly to THE SUN's statement that he "admits Jackson and Hearst as sincere reformers."

"As to Mr. Hearst, I have never met him nor have I ever to my knowledge expressed approval of his views. I met Mr. Jackson for the first time on the day succeeding my appointment as receiver, and I have never expressed any opinion whatever concerning his views."

LIMBURG A DEFENDANT.

State of New Jersey Wants the Taxes of a Bankrupt Corporation.

Herbert R. Limburg, the Hearst lawyer who, according to the Attorney-General's office, has been chosen as counsel for the receivers appointed by Justice Seabury in the Supreme Court for the New York City Railway Company and the Metropolitan Street Railway Company, was in the Appellate Division yesterday fighting a judgment against himself for \$2,306.20 obtained last May by the State of New Jersey. The judgment was recovered on Limburg's failure to pay the franchise taxes of a New Jersey corporation of which he was president and director and which went into bankruptcy.

Limburg, before he changed his name from Limburg to the present name, was president and director of the Patten Vacuum Ice Company, which had its main office at 45 Broadway, though incorporated in New Jersey. He held but a few shares of stock in the concern, but, as he testified at the trial of the suit brought against him and the other directors, he represented on the board of directors a number of friends and relatives who were heavily interested and owned a large part of the stock.

On July 1, 1902, the company's franchise tax for the year 1901, amounting to \$2,500, was due and unpaid, and some months later Attorney-General McCarter began proceedings under Section 7 of the New Jersey franchise tax act of 1884 to enjoin the company from continuing to do business until the tax could be paid. The company was in financial difficulties and engaged Frank Bell, a New York lawyer, to defend the proceedings and obtain an extension of time. On Mr. Bell's urgent representations Mr. McCarter agreed to adjourn the proceedings until the first of September, 1903, upon a positive assurance that the sum due the State would be paid on or before that date. This was on May 1 and Mr. McCarter explained that he would be satisfied with a letter from a responsible person or persons agreeing to see that the money was paid. The board of directors of the company, he said, would be satisfactory.

Accordingly, on May 5, 1903, Mr. Bell presented to the Attorney-General a letter, signed by Herbert R. Limburg, president; Douglas Henry, vice-president; Leonard A. Dessar, S. C. Blake, treasurer; Louis Englehart, secretary, and a majority of the board of directors.

On the adjourned date Mr. Bell came forward with a proposition from Limburg and the other directors to pay \$750 on account of the \$2,500. Mr. McCarter refused to listen and Mr. Bell on September 8 raised the sum to \$1,000. A check for this sum was presented and Mr. McCarter agreed "when the check should be paid" to grant another adjournment to January 1, 1904, when he would insist on the balance being paid.

The Patten Vacuum Ice Company went into bankruptcy in November, two months after the adjournment, and the State of New Jersey has so far failed to collect the balance of \$1,500 with interest. The interest under the Jersey franchise tax law is 1 per cent a month from July 1, 1902, and under the laws of New York 6 per cent on the balance of \$1,500. The first item makes \$233 interest, and the second \$250. With the costs and the \$1,500 balance the judgment obtained by the State of New Jersey in a suit against Limburg and the other directors amounted to \$2,306.20.

The suit came on for trial last May before Justice Greenbaum. Limburg appeared as counsel in person for himself and for the other defendants, all the signers being named in the suit. He urged that the letter was simply a gentlemen's assurance of an agreement by the company and that the company alone was liable. Justice Greenbaum ordered a verdict against Limburg and the other defendants for the full amount. Under the law each defendant is personally liable for the full amount of the judgment. Justice Greenbaum also denied a motion for a new trial, and from this decision Limburg as defendant and counsel took an appeal, which is now before the Appellate Division.

EXECUTOR FIRE RECEIVERSHIP PUT OFF.

Attorney-General Jackson's office was so busy that the plan of applying for a receiver for the Excelsior Brewing Company was not followed up yesterday.

It was stated that the receiver will be asked for to-day, probably up to the State.

NO DIVORCE FOR MRS. KEVILLE.

Judgment in Her Favor Upset by the Appellate Division.

The Appellate Division of the Supreme Court in Brooklyn has reversed the decision of Justice Garretson granting a divorce to Elizabeth Lee Keville, who belongs to the Lee family of Virginia, from Peter E. Keville, who is connected with the American manufacturing firm Kelly & Co. A year ago the case was tried before Justice Garretson without a jury.

Justice Garretson, who wrote the opinion for the Appellate Court, says that the testimony against the defendant was contradictory and improbable. Most of it was given by a servant, John H. Keville, who was admitted to the home of the Kevilles at 704 Putnam avenue. They said that they heard the sound of kissing through the brick walls.

FIRE TRUCK KILLED ON ITS LAST RUN.

While Truck 3 in East Thirtieth street was responding to a fire last night a Third avenue street car blocked the path and compelled the driver to steer into an elevated pillar. One of the horses fell and broke its back and had to be shot.

PAZZO CURED IN 8 TO 14 DAYS.

PAZZO CURED IN 8 TO 14 DAYS. Any case of itching, blind, bleeding or protruding piles in 8 to 14 days or money refunded. 30c.—Adv.

CURRENCY BILL AFTER JAN. 1

PRESIDENT WILLING TO LEAVE THE WORK TO CONGRESS.

At the Conference With Senators Aldrich and Crane He Had Nothing to Propose and Was Anxious to Hear What They Had to Say—House Committee Meets.

WASHINGTON, Dec. 4.—The currency bill, which the Congress leaders are considering, will not be ready until after the holiday recess. That was made plain to President Roosevelt in the interview he had last night with Senators Aldrich and Crane, who went to the White House at the President's invitation. It is desired, however, to have a bill ready for submission very soon after the holiday recess.

While none of the parties to last night's conference was inclined to talk about their exchange of views, it became known to-day that Mr. Roosevelt was more anxious to hear what the two New England Senators had to say than express opinions of his own. It had been rumored that the President would ask Mr. Aldrich and Mr. Crane to use their influence to rush through a currency bill before the holidays, but he said nothing last night to indicate that he had any such wish in mind. On the contrary he seemed to appreciate that the preparation of a currency measure would require much study, and that if it were to be of any permanent value it could not be drafted in a few days or a week.

Beyond the suggestions for currency reform contained in his annual message, the President had nothing to propose. He was apparently willing that the men in Congress who are familiar with finance should be entrusted with the work of making the law. Congressmen who heard to-day something of what occurred at the conference are declaring that the enactment of legislation will be entirely free from friction between the White House and the Capitol.

It was a cause of comment also that the President appeared to have a cordial feeling for Senators Aldrich and Crane, whose attitude on the railway rate bill had displeased him.

The new Banking and Currency Committee of the House met this morning and for two and a half hours discussed the currency situation in all of its phases. There was a wide difference of opinion, but it was said after the adjournment that the committee was more nearly in accord on the currency situation than on any other subject. Banking and Currency Committee has been for several Congresses. Chairman Fowler said that he had been authorized by the committee to submit a bill to the five members, which will draft a measure to submit to the full committee.

This will do either to-morrow or Friday. As soon as this measure is prepared it will be presented to the full committee, which will then grant hearings to financiers and business men whose interests are most affected and who have opinions to advance. The Democratic minority will also prepare and submit a draft of a measure to the full committee.

TRAIN EXHIBIT IN COURT.

Miniature Track, Ashpit and Cars in an Accident Trial in Newark.

Judge Adams and a jury sitting in the Supreme Court circuit at Newark yesterday heard testimony in Adelbertus Konek's suit for \$70,000 damages against the Lackawanna Railroad. Konek's right arm was run over while he was at work in an ashpit at the Secaucus yards on March 8, 1905, and later it was amputated. Konek testified that he was on the train crushed his arm as he was climbing out of the ashpit. The company contends that he met with the mishap through his own carelessness.

To prove that the accident could not have happened as Konek says it did the railroad company had a miniature railroad in court yesterday. The locomotive was not produced. The miniature was a two-foot gauge car running on a track over an ashpit ten feet long, with other essentials, such as the water hydrants used for cooling the engine, were produced in court. The miniature was a duplicate of the scene of the accident, were produced in court. The miniature was a duplicate of the scene of the accident, were produced in court.

The outfit was made up by Percy B. Cook of Newark, one of the company's patternmakers. It was built on a scale of one-half inch to a foot. The real ashpit is 20 feet long, two feet wide and three feet deep. The miniature pit and the train was run over it. A miniature wooden man was also placed in the pit to show how Konek was at the time the train ran over him.

James Mullin of Schenectady, N. Y., who was foreman at the trial of the accident, appeared for Konek. He said he did not see the accident. Attorney-General Robert H. McCarter, who is prosecuting the case, is representing the railroad. That what he had said in a written statement to one of the railroad company's representatives in October, 1905, was true. Part of the statement contradicted testimony given by Mullin.

Civic Federation's Annual Task.

The annual meeting of the National Civic Federation will be held on December 18 and 19 at the Park Avenue Hotel.

The first day will be devoted to discussing currency regulation, postal savings banks, savings institutions and building and loan associations. The second day's programme will take up arbitration matters. The annual dinner of the federation will be held on December 18 at the Hotel Astor. Andrew Carnegie, John Mitchell, E. H. Harriman, Samuel Gompers, George W. Perkins, Charles W. Eliot, George F. D. Grant and Archbishop Ireland will speak.

Court Calendars This Day.

Supreme Court—Appellate Division.—Nos. 33, 36, 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Supreme Court—Appellate Term.—Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 1